

REMARKS

In the Restriction Requirement mailed September 05, 2006, the Examiner has restricted the claims to one of the following inventions under 35 U.S.C. 121:

- I. Claims 1-10, drawn to a vaginal insert comprising mannose phosphate, classified in class 424, subclass 430.
- II. Claims 11-21, drawn to a method for preventing/treating a vaginal condition comprising the administration of mannose phosphate, classified in class 514, subclass 23+.

Applicant elects, with traverse, Group II, claims 11-21, and for a species, Applicant elects, with traverse, mannose-6-phosphate.

The Restriction Requirement is traversed on the basis that Restriction Requirements are optional in all cases (M.P.E.P. § 803). If the search and examination of an entire application can be made without serious burden, the Examiner must examine the application on the merits, even though it includes claims to distinct or independent inventions. M.P.E.P. § 803. Applicant submits that a search of both groups would not be so burdensome that the Examiner could not easily search them together.

Applicants also respectfully traverse the requirement for electing one species. As provided by the MPEP, species may be related inventions and need not be subject to restriction. *See* MPEP § 806.04(b). In particular, where species are claimed under a common genus and are related, the question of restriction is determined by the practice applicable to election of species and the practice applicable to other types of restrictions. *See id.* Applicants also respectfully remind the Examiner that they are entitled to examination of a reasonable number of species, and that election of species is for the convenience of the Examiner in initiating the search. Here, only a reasonable number of species are provided and a search of each species would not be so burdensome as the Examiner alleges.

If the Examiner does not withdraw or modify the Requirement for Restriction, Applicant respectfully requests that the Examiner consider the unelected claims after allowance of a generic claim relating to the elected claims. Applicant further reserves the right to reintroduce the unelected claims in one or more divisional applications at a later date.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (516) 795-6820 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

SHU-PING YANG ET AL.

By their Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
P.O. Box 2938
Minneapolis, MN 55402
(516) 795-6820

Date October 3, 2006

By /

Robin A. Chadwick
Robin A. Chadwick
Reg. No. 36,477

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 5 day of October 2006.

CANDIS BUENDING

Name

Signature

Candis Buending